



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

DIVISION OF FISH AND WILDLIFE



**RULES AND REGULATIONS GOVERNING NUISANCE
WILDLIFE CONTROL SPECIALISTS**

PROPOSED

AUTHORITY: These regulations are adopted pursuant to Sections 20-1-18, and 20-1-22, in accordance with the requirements of the Administrative Procedures Act, Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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RULE 1 - PURPOSE

The purpose of these regulations is to establish the standards under which “nuisance wildlife control specialists” may be permitted to conduct the capture, handling, disposition, exclusion and other activities as related to wildlife protected by the Department under Rhode Island General Laws (RIGL) Chapter 20-1.

RULE 2 - AUTHORITY

These rules and regulations are promulgated pursuant to authority vested in the Director of the Department of Environmental Management under RIGL Section 20-1-18 and Chapter 42-17.1 and in accordance with the requirements of the administrative procedures act, Chapter 42-35.

RULE 3 - ADMINISTRATIVE FINDINGS

The proper handling and disposition of nuisance wildlife requires special knowledge, skills, and facilities not possessed by the general public. Specially trained individuals, collectively called nuisance wildlife control specialists, provide services to the general public for the capture, handling, disposition, and exclusion of nuisance wildlife from properties and homes.

RULE 4 - APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purpose of state law, regulations, goals, and policies.

RULE 5 - DEFINITIONS

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 5.1 “Animal” and “animals” means every living creature except a human being.
- 5.2 “Bite or bitten” means that the skin has been penetrated by an animals’ tooth or teeth.
- 5.3 “Department or DEM” means the Rhode Island Department of Environmental Management.

- 5.4 “Director” means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents.
- 5.5 “Division” means the Division of Fish & Wildlife of the Rhode Island Department of Environmental Management.
- 5.6 “Endangered Species” shall mean any animal so declared by the United States secretaries of the interior or commerce under the provisions of the Federal Endangered Species Conservation Act or animal so declared by the director of the Rhode Island Department of Environmental Management pursuant to chapter 34 of title 42.
- 5.7 “Environmental Police Officer” means the Chief of the DEM Division of Law Enforcement, the deputy chiefs and all officers of the Division of Law Enforcement.
- 5.8 “Euthanasia” for the purpose of nuisance wildlife means the methods as described in the “2000 report of the AVMA panel on Euthanasia” published in the *Journal of the American Veterinary Medical Association*, vol. 218, no. 5.
- 5.9 “Fish and Wildlife” (F&W) means the Department of Environmental Management’s Division of Fish and Wildlife.
- 5.10 “Furbearer” means all mammals as defined under RIGL 20-16-1.
- 5.11 “Manual for Rabies Management and Protocols” means the most current manual formulated by the Rhode Island Rabies Control Board.
- 5.12 “Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, municipality, or other government entity or other legal entity.
- 5.13 “Rabies Vector Species” or “RVS” means those wildlife species that have been identified as the most common carriers of rabies virus currently including raccoons, skunks, bats, woodchucks, and foxes.
- 5.14 “Rabies Vector Species Handbook” means the most current manual adopted by the DEM Division of Fish and Wildlife
- 5.15 “Site of Capture” means the parcel of land on which the problem animal was captured and which is owned or leased by the person who captured the problem animal or who engaged a wildlife control specialist to affect such capture.

- 5.16 “State Manual” means the most current RI Nuisance Wildlife Control Specialist Handbook prepared by the Division of Fish & Wildlife.
- 5.17 “Translocation” means the transport and release of animals from one location to another.
- 5.18 “Nuisance Wildlife Control Specialist” or “Permittee” means any person issued a permit pursuant to the provisions of Sections 20-1-18 and 20-1-22, for the control of nuisance wildlife.
- 5.19 “Wildlife Control Services” means to harass, repel, evict, exclude, capture, posses, transport, liberate, destroy; or attempt to harass, repel, evict, exclude, capture, posses, transport, liberate or destroy a problem wild animal. This is to include the disturbance, removal, or destruction or attempted disturbance, removal, or destruction of nests, dens, lodges, or burrows.
- 5.20 “Wildlife Rehabilitation” means the practice of providing care for injured, orphaned or sick wildlife including their capture, housing, feeding, emergency treatment for the primary purpose of release into the wild.

RULE 6 - REGULATIONS

The Division of Fish and Wildlife may issue Wildlife Control Specialist Permits to persons meeting the criteria set forth in these regulations to provide nuisance wildlife control services to the general public.

- 6.1 No person, unless otherwise authorized by state or federal law, shall engage in the business of providing wildlife control services, with or without an associated fee, on the property of another, without first obtaining a wildlife control specialist permit from the Department of Environmental Management.
- 6.2 A person may qualify to obtain a wildlife control specialist permit from the DEM upon meeting all of the following requirements:
- a) They have submitted a complete application on forms provided by the DEM.
 - b) They provide proof of being 18 years of age or older.
 - c) They have successfully completed a written examination administered by the DEM based on information in these regulations and the State Manual. A person must attain a passing grade of 80 percent.

- d) They possess a current Rhode Island trapping license.
- e) They have not been convicted of a wildlife-related violation in Rhode Island or other state within three years before submitting an application or had their NWCS license revoked in Rhode Island under the provisions of these regulations within three years before submitting an application.
- f) They have paid the permit fee.

6.3 All initial permit applications shall contain the following information:

- a) The applicants date of birth;
- b) The applicants name, address, and daytime telephone number;
- c) If the application is a corporation, partnership, business, commercial entity, club, organization, or association, whether public or private, the name, address, and telephone number of the president, director, or principal officer;
- d) The applicants current Rhode Island trapping license number;
- e) The applicant's signature.

6.4 Renewal applications shall include information as listed in 3 (b) through (e) above.

6.5 A fee shall be charged for the R.I. NWCS Handbook to cover the cost of printing, shipping and handling.

6.6 Applications for NWCS permit may be denied when:

- a) The applicant has been convicted of a wildlife-related violation in Rhode Island or other state within three years preceding the application date;
- b) The applicant fails to provide all required information on the application or to provide truthful information;
- c) The applicant fails to pay the required permit fee.

6.7 Nuisance Wildlife Control Specialist applications under this section must be signed by the permittee. As a condition of signing the application, the permittee agrees:

- a) To comply with all relevant provisions of the law including but not limited to RIGL Title 4 and Title 20, and all applicable conditions and restrictions of the permit;
To hold the state harmless for any damage, injury, or disease caused by any wildlife captured, transported, euthanized, or held

- under the permit, to include treatment for and prevention of such and to assume all liability associated with this permit
- b) Permittees assume all liability associated with this permit.

- 6.8 The expiration date for the wildlife control operators permit shall be midnight of December 31 in the calendar year. Permits must be renewed annually and are only valid after receipt of completed renewal application and permit fee. Permits that are not renewed after a period of six months shall be considered inactive. Applicants who have allowed their permit to become inactive must reapply for a new permit in accordance with Rule 6.2.
- 6.9 A person who fails the written examination may retake the examination one additional time after 60 days but not again for six months if failing the test the second time.
- 6.10 Any person who at the time of the adoption of these regulations possesses a Scientific Collectors Permit for the purpose of providing nuisance wildlife control services shall be provisionally authorized to conduct wildlife control services until end of the calendar year of adoption of these regulations. All Provisional Permit holders must abide by Rules and Regulations Regarding Nuisance Wildlife Control Specialists as adopted with the exception of the written exam. Successful completion of the written exam is required as a condition of permit renewal.
- 6.11 Municipal animal control officers, when acting as an agent for the municipality, on land owned or leased by the municipality, shall be exempted from the permit and examination requirements of these regulations. Municipal animal control officers, when acting as an agent for the municipality in response to situations involving potentially rabid animals within their communities, are exempted from NWCS permit requirements.
- 6.12 The wildlife control specialist permit shall authorize the permittee to control following species or groups of species only: striped skunk, opossum, raccoon, red fox, gray fox, coyote, bats, moles, muskrat, gray squirrel, red squirrel, flying squirrels, chipmunk, woodchuck, rats, mice, voles, cottontail rabbits, weasels, mink, pigeons, starlings, English sparrows, monk parakeet, snapping turtle. The Director may authorize a permittee to control other species not listed above at such

times and under such conditions, as he or she deems appropriate or necessary.

- 6.13 The Director may, under his or her regulatory authority, suspend the control of certain species or certain activities when he or she deems it is necessary to ensure human health or the health of wildlife or domestic animals.
- 6.14 Translocation of problem animals captured alive is prohibited. Animals captured alive must be euthanized in a humane manner or released on the site of capture. The transportation of captured animals to an off-site location only for the purpose of euthanization is permitted. Animals may not be held in captivity for purposes of release or disposal for more than 24 hours. Under the authority of the Rhode Island Department of Health or the DEM, for public health concerns, animals may be held in captivity for a longer period of time.
- 6.15 Any captured animal showing symptoms of disease must be euthanized. Diseased animals shall not be released after capture. The handling and disposition of “Rabies Vector Species” must be done in accordance with the most current Rhode Island Rabies Vector Species Handbook. The Department of Health will only test those animals that meet the guidelines established in the most recent RVS Handbook. Wildlife Control Specialists are not permitted to handle any rabies vector species (skunk, raccoon, foxes, woodchuck, bats) that have bitten or caused potential exposure to a human or domestic animal.
- 6.16 Orphaned or injured animals that are not identified as rabies vector species may be transported to licensed wildlife rehabilitator for care and eventual release into the wild. Only apparently healthy, orphaned young-of-the-year are candidates for rehabilitation. Apparently healthy animals are those that show no sign of behavioral, neurological, or locomotive impairments, or those animals without visible wounds. All species of bats and other adult rabies vector species are not candidates for rehabilitation. Orphaned or injured young of the year (less than 10 weeks of age) rabies vector species (except bats) may only be transferred to a currently licensed rehabilitation facility authorized to rehabilitate rabies vector species (Level II-X). For purposes of rehabilitation, transportation of rabies vector species must be in accordance with protocols set forth in the Division of Fish and Wildlife Rabies Vector Species Handbook. The rehabilitation of coyotes, beaver, bear, bobcat, fisher, otter, mink and porcupine must

be pre-approved by the DEM and may only be transported to and rehabilitated at approved facilities only.

- 6.17 Animals taken under the provisions of a wildlife control specialists permit, their carcasses or any parts thereof cannot be sold, offered for sale, traded, or bartered except if taken during the open season for that species. Captured animals cannot be tamed, owned or used for propagation purposes.
- 6.18 Permittees may not transport wildlife across state borders unless appropriate notification is made to RI DEM's Division of Fish and Wildlife or outside of normal business hours, the Division of Law Enforcement, and in accordance with applicable federal or state regulations including but not limited to the Federal Lacey Act 50 CFR 20.
- 6.19 Permittees may employ other permittees to assist in nuisance wildlife control services. Employees conducting nuisance wildlife services as defined in Rule 5 of these regulations must have a current R.I. NWCS permit.
- 6. 20 Permittees must file an annual report with the Division of Fish and Wildlife at the end of each calendar year. The report must be submitted at time of renewal for the preceding calendar year and shall be on forms provided by the Department. The report shall require the permittee to record the species of wildlife handled, the number of individual animals, the disposition of animals, and other information as required. Reports must be made available for inspection by a Division of Law Enforcement Environmental Police Officer (EPO) or Division of Fish and Wildlife official at any reasonable time.
- 6.21 Revocation Criteria

Applications and/or permits for NWCS may be denied, revoked or suspended when:

- a) The applicant or permittee has been convicted of a wildlife-related violation in Rhode Island or other state within three years preceding the application date;
- b) The applicant or permittee failed to provide all required information on the application or to provide truthful information;
- c) The applicant or permittee failed to pay the required permit fee;
- d) The permittee has failed to submit the annual report;

- e) Or, failure to comply with the conditions of the permit or of any violation of the provisions of Title 20 or other appropriate sections of the General Laws of Rhode Island.

6.22 Methods of Take

Permittees may take or attempt to take nuisance animals by the following means:

For mammals:

- a) Box or cage-type traps.
- b) Body-grip (a.k.a. smooth wire or “conibear”) type traps up to 6 ½” jaw spread (i.e. “110, 120, 160” or equivalent) are permitted on land or in water on private property. Body-grip type traps greater than 6 ½” but not exceeding 8” jaw spread (“220”) may only be set if completely submerged in water or set no less than six (6) feet above the surface of the ground.
- c) Common mouse or rat traps and glue boards.
- d) “Species specific traps”. Designed as a live restraining device for raccoons, a legal species specific trap is characterized by all of the following: Triggering and restraining mechanisms are enclosed within a housing; Triggering and restraining mechanisms are only accessible through a single opening when set; The access opening does not exceed two (2) inches in diameter; The triggering mechanism can only be activated by a pulling force; Has a swivel mounted anchoring system.
- e) Other allowable methods include: shooting with a firearm when in accordance with all state and local laws, hand nets, hand capture, and noose poles. Also fumigant cartridges for the control of woodchucks, and anticoagulant rodenticides when in accordance with provisions of a valid Rhode Island commercial pesticide applicators license.

For birds:

- a) Pigeon, starling, and sparrow-type cage traps.
- b) The use of nontoxic and toxic repellents that are registered for use in Rhode Island may be used to control birds in accordance with provisions of a valid Rhode Island commercial pesticide applicator license.
- c) Other allowable methods include: shooting with a firearm when in accordance with all applicable federal, state, and local laws, hand nets, and hand capture.

For snapping turtles:

- a) Wire or twine hoop or funnel traps when set in such a manner that captured turtles or other animals may reach the surface to breath, or by snagging, hand nets, or hand capture. Turtle traps must have a metal tag attached, which, at a minimum, bears the trapper's name and address.
- 6.23 Permittees must possess a valid Rhode Island firearms hunting license, or DEM Pistol/Revolver Certification Card (Blue Card) if using firearms while performing wildlife control services. The use of firearms is subject to all state and local restrictions.
- 6.24 Nothing in these regulations permits the use of regulated medical supplies including but not limited to syringes and drugs without specific conformance with Section R21-28-CS-4 of the Rhode Island Department of Health Rules and Regulations governing Hypodermic Needles, Syringes, and Other Such Instruments and Drugs.
- 6.25 Obtaining a permit pursuant to these regulations does not preclude the permittees conformance with such other federal, state or local requirements for licensure certification or permits that may be required.
- 6.26 Issuance of a permit does not exempt the permittee from compliance with the provisions of any other local, state, or federal statutes, regulations or ordinances.
- 6.27 The capture, handling, or harassment of any federally listed endangered species is prohibited.

RULE 7 – VIOLATIONS

Any violation pursuant to the provisions of Title 20 of the General Laws of Rhode Island and the rules and regulations herein, either by a permittee or a sub-permittee working under said permittee may be cause for imposing penalties in accordance with the provisions of the above mentioned statute, as well as revocation of existing permit(s) of both the sub-permittee and responsible permittee.

RULE 8 - SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations and any policies regarding the administration and enforcement of nuisance wildlife control operators shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

RULE 9 - SEVERABILITY

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 10 - APPEAL & HEARING PROCEDURES

Opportunity for Hearing

A. Denials -- Any person whose application for a permit, permit renewal, or other approval, has been denied by the permitting agency, acting through Fish and Wildlife, may appeal to the Administrative Adjudication Division, for review of the decision on which the denial is based.

B. Violations -- Any person, who has been issued a notice of violation of any of the provisions of these rules, may request a hearing from the Administrative Adjudication Division, subject to the provisions of R.I.G.L. 42-17.1-2(u).

C. Hearings and Administrative Procedure -- Pursuant to the authority granted to the Department in Chapter 42-17.7-9

1. Any person who seeks an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island, 02908 within twenty (20) days of receipt of the contested agency enforcement action.
2. Any person who seeks an adjudicatory hearing relative to the denial of a permit or sub-permit arising under these rules and regulations must file said request in writing with the clerk of Administrative Adjudication Division 235 Promenade Street, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.

RULE 11 - EFFECTIVE DATE

The foregoing Rules and Regulations Governing Wildlife Control Operators after due notice, are hereby adopted and filed with the Secretary of State this XXth day of XXXX, 20____ to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter 42-35, 42-17.1, and 42-17.6 of the General laws of Rhode Island of 1956, as amended.

Michael Sullivan, Ph.D.
Director
Department of Environmental Management

Notice Given on:

Public Hearing held:

Filing Date:

Effective Date: 20 days from filing